

**Brentwood Planning Board
Minutes – January 15, 2009**

<p>Members Present: Bruce Stevens, Chairman Kevin Johnston, BOS Rep Charlie Pratt Glenn Greenwood, Circuit Rider Planner</p>	<p>John Kennedy, Vice-Chair Doug Brenner, Secretary</p>
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Minutes – Mail – Board Business

Chairman Stevens opened the meeting at 7:00.

Motion made by Kennedy, 2nd by Johnston to approve the Dec 18 minutes: the motion carried with Pratt abstaining as he was not present.

Motion made by Kennedy, 2nd by Johnston to release the \$36,300 from Letter of Credit being held for Brentwood Distribution, as recommended by town engineer Steve Cummings: all were in favor.

There was discussion regarding the town requirements for mobile homes and whether or not they required foundations, and whether or not the axles had to be removed. The Board will discuss this later, to possibly add to the 2010 zoning book. Greenwood will check to see what other towns do.

Continued Public Hearing: For consideration of revocation of the approved subdivision titled Barnett Wood Conservation Subdivision. Town engineer Steve Cummings had contacted the PB office to say that the work the PB asked to be done for stabilization of this site has not been done, due to the weather.

Motion made by Kennedy, 2nd by Johnston to continue this hearing to April 16th at 7:15: all were in favor.

New Hearing: Lot Line Adjustment – Herman and Marie Winch – 206 Pickpocket Rd, tax maps 213.029 & 213.029.001.

Johnston stepped down from this hearing as he is an abutter.

Motion made by Stevens, 2nd by Kennedy to give St. Hilaire voting rights: all were in favor.

Paperwork is in order and abutters legally notified from the list provided by the applicant.

Motion made by Kennedy, 2nd by Stevens to accept jurisdiction: all were in favor.

Ed Rogers of Rogers Engineering Solutions spoke on behalf of the applicant this evening. Mr. & Mrs. Winch, along with their son, Eric, were present for this hearing.

Rogers said with the existing conditions, the Winches, who own both parcels, discovered that their property line separating the two lots went directly through their garage. There is a barn on one side of the garage, and the Winches home on the other side, and both are only about 38 feet apart, and putting a lot line between cannot meet the town's 25 foot setback requirements. On November 11, 2008 the Zoning Board of Adjustment granted a variance to allow the proposed property line to not be less than 19 feet from existing structures, based on the plans shown. He said as a result of the proposed LLA, lot 29 will change from 200' frontage and 2.68 acres, to 215.8' frontage 3.38 acres. Lot 29.001 will change from 295.21 frontage and 6.15 acres to 279.73 feet of frontage and 5.45 acres.

Greenwood's and Cummings comments were reviewed at this time. Rogers will replace the corner markers from rebar to granite or concrete, to be flush with the ground. He will place an iron pin as close

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to the middle of the 718 foot property line, as required, and this will also be flush to the ground. He will revise the plans to show the proposed septic location of both lots, and well location.

Motion made by Kennedy, 2nd by Stevens, to grant a conditional approval to May 21, 2009, contingent upon the following:

1. Lot corner markers are to be concrete or granite
2. Place iron pin at the halfway point of the 718 foot property line (can be flush with ground).
3. Show proposed septic area of 29.001 and approximate area of existing septic on lot 29.

The motion carried by unanimous vote. Rogers and the Winches thanked the Board for their time. Johnston returned to the meeting at this time.

New Hearing: Site Plan Review for NE Dragway – Rte 27 – tax map 203.030, 032, & 033

Paperwork is in order and abutters legally notified from the list provided by the applicant.

Motion made by Kennedy, 2nd by Stevens to accept the application: all were in favor.

Wayne Morrill of Jones & Beach Engineers spoke on behalf of the applicant this evening. Joe Lombardo and Mark Weaver were present, representing NE Dragway. Also present was Mark West of West Environmental, and one abutter. The intent of this plan is to show the wetlands impacts of the show area/pit area and the mitigation for those impacts. Morrill said this plan is a result of a complaint filed with the DES in 2008, regarding wetlands violations of approximately 8 acres, all being in Brentwood. In 1994 a state permit was issued to NE Dragway to fill in about 7,000 sf of wetland to allow a driveway to go across to where the “castles” are, and for access to the well for NE Dragway. Morrill said they saw a tree line from old surveys and photographs and within that tree line there has been a total disturbance of about 7.93 acres. This is where the show pit area is currently located. Morrill said it was unfortunate that the property owner did not come before the Board to get the necessary permits. Greenwood noted in his comments that this site plan application is really a request for an after-the-fact approval, that the applicant is not requesting approval of any additional construction activity but is asking the PB to approve the applicant’s mitigation efforts that are proposed due to past unauthorized wetlands impacts.

Morrill said they will restore 36,722 sf of wetland and the impact to be retained will be 49,271 sf. The work will include the removal of an existing fence to construct an organic filter berm along the existing wetland boundary of the restoration area and remove any pavement in those areas. They are proposing two conservation easement areas that will total 37.35 acres. Morrill said they received their Site Specific permit and have submitted their wetlands application. He provided a letter that responded to the town engineers comment letter.

West told the Board that he did the Prime Wetlands study for Brentwood last year, and has done the soil delineation for this project. He said the mitigation work will be reviewed by the state, the EPA and the Army Corp of Engineers.

The applicant filed a request for a Conditional Use Permit and a request for a waiver to the landscape buffering. Greenwood said this is an after-the-fact application, and although they came to the board with a site plan application, as recommended, the work has already been done. This an effort to put a recordable plan on file that shows existing conditions. Morrill withdrew the request for the CUP and the waiver request.

The area proposed for conservation easement is used by the Seacoast Learning Collaborative School, and Lombardo said that the public could have access to it during non-school hours. He said a plan for access would have to be developed for this use.

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A letter from the Conservation Commission was reviewed and Rob Wufchuck spoke on behalf of the CC. The CC wants to be sure that the area water quality is not affected by any water run-off from this site. Morrill said they will be getting comments and permits from the state, and will come back to the PB with a plan that shows an as-built with all the approvals, etc. Morrill was asked to provide the PB with a CD of the final plan. A letter was read from an abutter that said they hoped that any improvements to the site would reduce the noise to surrounding properties.

Abutter Harvey asked about any effects this will have to her property, but because it is located on the Epping portion, Stevens advised her that she would have to go to Epping, that Brentwood has no jurisdiction on the Epping side, and all this work presented will be done in Brentwood.

Motion to continue to May 7th made by Kennedy, 2nd by Johnston: all were in favor. Morrill thanked the Board for their time this evening.

Public Hearing: Consideration of the following amendments to the Brentwood Zoning Ordinance regarding the following:

1. Amend section 900.004.003.002 to read as follows:

The living area of the accessory (or secondary) dwelling unit shall not exceed 1/3 of the assessed square foot area of the living area of the entire dwelling (both units) to a maximum living area of 1500 square feet and shall be limited to a maximum of two bedrooms. No accessory unit shall have less than 525 square feet of living space. This allowance is less than the Town's standard dwelling unit size of 720 square feet because the accessory unit is not a stand alone dwelling unit but instead a secondary unit to the primary residence.

2. Amend section 400.006 Miscellaneous Provisions by adding a new section 400.006.011, regarding the construction of small wind energy systems, to read as follows:

Construction of small wind energy systems shall be done in compliance with RSA 674:62-66, as amended.

Brenner asked if the 525 square foot living area should be changed to allow a smaller unit, and Greenwood said that would mean the board would have to meet the end of this month to meet the required deadlines.

Motion made by Stevens, 2nd by Kennedy to add the above zoning amendments to the March 2009 town ballot: the motion carried with Brenner voting no.

The mylar for the LLA for Gold Leaf Homes and Richard Lord was signed by the Board.

Stevens said that the filing period for elected offices in Brentwood begins January 21 and ends January 30th. Members asked if Pratt and Kennedy would consider signing to serve, as their terms are up this year.

Motion to adjourn at 9:05 made by Pratt, 2nd by Kennedy: all were in favor.

Respectfully Submitted,

Kathy St. Hilaire,
Administrative Assistant
Brentwood Planning Board